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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,873	01/22/2002	Thomas Buettgenbach	BACHCO.001A	9209

20995 7590 02/15/2005

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EXAMINER	
KRAMER, JAMES A	

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JE

Office Action Summary	Application No. 10/055,873	Applicant(s) BUETTGENBACH ET AL.	
	Examiner James A. Kramer	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-26 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-12, & 14-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakai.

Sakai teaches a Distributed Electronic Catalog Component that is locally accessible by a user computer, where the Distributed Electronic Catalog Component corresponds to a read-only-memory (ROM) and includes a first image of a product (as required by claim 1). Examiner references Sakai Figures 1-2, column 7; lines 7-17 and column 8; lines 28-35:

Examiner notes that the CD-ROM of Sakai represents that Distributed Electronic Catalog Component. In addition, Examiner notes that the example given by Sakai in column 8; lines 28-35 illustrates that image files (gif) of products are stored on the CD-ROM.

Sakai further teaches a software module adapted to interface with a Web browser of the user computer, where the software module is configured to intercept a request from the Web browser to a Web server for a second image of the product that is intended to be included in a Web page of the product such that the request is not sent to the Web server when the first image of the product is available on the Distributed Electronic Catalog Component, and where the software module is further configured to retrieve the first image of the product from the Distributed Electronic Catalog Component and is configured to provide the first image of the product to the Web browser of the user computer such that the Web browser can display the Web

page as intended. Examiner references figures 1-2, column 7; lines 35-56 and column 8; lines 28-35.

Examiner notes that the URL in the tag data represents Applicant's request for the second image. Further, Sakai's obtaining step (Figure 2; numeral 202 and column 8; lines 31-35) represents intercepting the request and retrieving the first image from the CD-ROM. Examiner also notes that at this point the URL (request for second image) is not sent to the server which allows for presentation at a much higher speed (column 7; lines 48-52 and column 8; lines 38-40).

Sakai further teaches the a Distributed Electronic Catalog Component is stored on a compact-disc read-only-memory (CD-ROM) as required by claim 2 (Figures 1-2, column 7; lines 7-17)

Sakai also teaches that the first image and the second image are identical, as required by Claim 3. Examiner references column 8; lines 60-61, where Sakai specifically states that in one embodiment a user not having the CD-ROM receives the exact same information as the user having the CD-ROM, this can only be true is the image on the CD-ROM (first image) and the image on the server (second image) are identical.

Examiner notes that the application of Sakai applied to Claim 1 is the same as for Claim 5. In particular, the file of claim 5 is the same as the image of claim 1 as Sakai specifically teaches an image file (column 9; lines 10-11).

Claim 6 requires the file to be a multimedia presentation. Sakai teaches an embodiment where the file corresponds to a multimedia presentation (column 9; lines 1-5). Examiner notes that the definition of multimedia is the combination of sound, graphics, animation and video (Microsoft Computer Dictionary). Therefore, Sakai's storing an image of a music CD and parts of the melody clearly represents multimedia.

Claims 7, 12, 17, 20 and 24 require that the communication between the Web browser and the Web server includes a dial-up connection. Sakai teaches the communication means includes a telephone line (column 1; lines 5-9). Examiner notes that a telephone line is a dial-up connection.

Examiner notes that the application of Sakai applied to Claim 1 is the same as for Claim 8. In particular, the content of claim 8 is the same as the image of claim 1 as an image is content.

Claim 9 requires that a portion of the computer program be implemented as a plug-in to a Web browser. Examiner notes that plug ins permit the Web browser to access and execute files embedded in HTML documents that are in formats the browser normally would not recognize, such as many animation, video and audio files (Microsoft Computer Dictionary). Examiner once again references column 9; lines 1-5 that teaches parts of a song melodies are stored on the CD-ROM and played by the users. Examiner notes that to play the music files through the user's web browser the user must implement a plug-in to the web browser.

Examiner notes that the application of Sakai applied to Claim 1 is the same as for Claim 10. In addition to the limitations taught by Sakai and described with relation to Claim 1, Sakai further teaches a means for allowing the request for the content to proceed to the e-commerce web site where the means for allowing is activate when the requested content is not present on the Distributed Electronic Catalog Component, a means for remotely retrieving the content from the e-commerce web site, where the means for remotely retrieving is activated when the requested content is not present on the Distributed Electronic Catalog Component and a means for providing the retrieved content to the web browser (column 8; lines 7-15).

Claims 11 and 19 require that the system determine whether the content is present on the Distributed Electronic Catalog Component by comparing a URL for the requested content to a URL stored in the Distributed Catalog Component. Examiner notes that this is exactly what Sakai does (e.g. column 8; lines 31-35).

Claims 14 and 21 require that the Distributed Electronic Catalog Component comprises an optical disk. Examiner notes that an optical disc is a compact disc (Microsoft Computer Dictionary) and Sakai teaches a CD-ROM (Figures 1-2, column 7; lines 7-17).

Examiner notes that the application of Sakai applied to Claims 1 and 10 is the same as for Claim 15. In addition to the limitations taught by Sakai and described with relation to Claims 1

and 10, Sakai further teaches a means for using the web page to make a purchase (column 1; lines 26-29).

Claims 16 and 23 requires that the Distributed Electronic Catalog Component corresponds to a type of read only memory. Sakai teaches a CD-ROM (Figures 1-2, column 7; lines 7-17).

Examiner notes that the application of Sakai applied to Claims 1 and 10 is the same as for Claim 18. Examiner notes that claim 18 requires a delay while the system determines where the content will come from (either the server or the Distributed Electronic Catalog Component). Examiner notes that this delay is present in Sakai in order to allow the obtaining step to determine if the URL exists on the CD-ROM (column 8; lines 31-35).

Examiner notes that the application of Sakai applied to Claims 1, 10 and 15 is the same as for Claim 22.

Examiner notes that the application of Sakai applied to Claim 1 is the same as for Claim 25. In addition, Sakai teaches receiving an indication of whether a Distributed Electronic Catalog Component is available in the user computer (column 14; lines 20-36). Examiner notes that the advisory message is an indication of whether the Distributed Electronic Catalog Component is available (mounted).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai.

Sakai, as described in detail above, does not specifically teach that the first image is a larger file than the second image such that the first image is of higher quality.

Examiner notes that Sakai does teach the following:

1) In practice sending a vivid color photograph or a moving image increases the load on the customer such as telephone charges or waiting time, so the image quality has to be sacrificed (column 1; lines 33-37);

2) The system of Sakai with a combination of CD-ROM and Internet can rapidly display high-quality image data (column 2; lines 14-20);

3) The system of Sakai includes a first picture on a CD-ROM and a second picture on the server transmitted over the Internet (column 4; lines 25-27).

Examiner notes that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Sakai so that the first picture is a larger file than the second such that the first image is of higher quality. One of ordinary skill would have been motivated to modify this reference so that when the user has the CD-ROM he/she

receives the highest quality image available and if a user must use the server he/she is not subjected to increased loads in the form of telephone charges and waiting times.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai in view of Microsoft Computer Dictionary.

Sakai, as described in detail above does not teach that the communication means is wireless. Microsoft Computer Dictionary teaches that the Wireless Application Protocol, the standard for providing Internet access and other data-based services, is old and well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the communication means of Sakai to include a wireless modem as taught by Microsoft Computer Dictionary so that a user that carries a portable computer from place to place can have continuous access (see Microsoft Computer Dictionary definition of wireless LAN).

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakai in view of King Jr. et al.

Sakai, as described in detail above does not teach that the first content and the second content vary in price of the product.

King Jr. et al. teaches that is old and well known for suppliers to offer different price schedules to different customers via catalogs (column 1; lines 20-25). King Jr. et al. further teaches the use of a Public Catalog with standard pricing remote from the user and a Private Catalog, local to the user with special (different) prices (column 2; lines 25-55).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the first content of Sakai to make it a different price than the second content as taught by King Jr. et al. One of ordinary skill would have been motivated to combine the references a described in order to allow the supplier to offer discount price schedules to his preferred customers via the CD-ROM catalog.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

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